IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 338 of 1999

Between:

Akkula Kanthamma, W/o. Nancharaiah,

Hindu, Aged 52 years, Cultivation,

R/o. Pedakallepallivillage, Mopidevi Mandal,

Krishna District.

..... PETITIONER

AND

1. The District Collector,

Krishna at Machilipatnam.

2. The Revenue Divisional Officer,

Machilipatnam, Krishna District.

3. The Mandal Revenue Officer,

Mopidevi, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents as illegal and ultra vires to

the provisions of Articles 14, 21 and 300-A of the Constitution of India and also the provisions of A.P. Tenancy Act consequently declaring that the respondents are not entitled to interfere with the possession and enjoyment of the land in Sy. No.459/2 being an extent of Ac.1.95 cents situated in Melamarru village, Mopidevi Mandal, Krishna District.

Counsel for the Petitioner: MR. V.S.R. ANJANEYALU

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court made the following :

ORDER:

The petitioner's husband was a cultivating tenant of Ac.1.95 cents of land in Survey No.459/2 of Melamarru village in Mopidevi Mandal of Krishna District. The land belongs to Sri Durga Nageswara Swamy Temple, Pedakallepalli village. After the death of the husband, the petitioner was allegedly cultivating the lands. It is her case that some time in the year 1999, the officials from the office of the third respondent came and started surveying the land and on enquiry, the petitioner came to know that the respondents are taking possession of the land for the purpose of distribution of house sites. Therefore, they filed the writ petition seeking a declaration that the action of the respondents in trying to take possession of the land is illegal and arbitrary.

At the time of hearing, the learned Assistant Government Pleader for Revenue (Land Acquisition) submits that even before the proposals are initiated for acquisition of land by issuing notification, the petitioner on apprehension filed the present writ petition and that land will be acquired only after following due process of law.

Recording the same, the writ petition is disposed of.

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Date : August 09, 2004. **V.V.S. RAO, J**

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector,

Krishna at Machilipatnam.

2. The Revenue Divisional Officer,

Machilipatnam, Krishna District.

3. The Mandal Revenue Officer,

Mopidevi, Krishna District.

4. Two CCs to the Government Pleader for Revenue,

High Court of A.P., Hyderabad (O.U.T)

5. Two CD copies.